

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

APR 30 2010

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
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UNITED STATES OF AMERICA,)	
)	
)	Case No. 5:07CR00063
)	(Case No. 7:10CV80242)
v.)	
)	
)	<u>FINAL JUDGMENT AND ORDER</u>
)	
ISRAEL ARELLANO-ARELLANO,)	By: Glen E. Conrad
)	United States District Judge
Defendant.)	

For the reasons stated in the memorandum opinion entered this day, it is

ADJUDGED AND ORDERED

as follows:

1. The motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255 (Dkt. No. 617) is hereby **DISMISSED** as untimely; and the § 2255 action is stricken from the active docket of the court. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

2. The defendant's "MOTION FOR RESENTENCING UNDER 18 U.S.C. § 3553(A) AND U.S.S.G. § 2D1.1(A)(3)" (Dkt. No. 616) is **DENIED** as without merit.

The Clerk is directed to send copies of this judgment and order to the defendant.

ENTER: This 30th day of April, 2010.

[Signature]

United States District Judge